

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QAD INC., et al.,

Plaintiffs,

v.

MANI SUBRAMANIAN, et al.,

Defendants.

No. C 04-1806 PJH

**ORDER GRANTING MOTION TO
REMAND AND DENYING MOTION
FOR FEES AND COSTS**

The motion of QAD, Inc.; QAD Japan K.K.; QAD Japan, Inc.; John Doordan; and Lai Foon Lee ("the QAD parties) and Arthur Anderson LLP for an order remanding the above entitled action to the Superior Court of California, County of Santa Clara, came on for hearing before this court on July 16, 2004. The QAD parties appeared by their counsel William D. Connell, Arthur Anderson LLP appeared by its counsel Fred Fields, removing parties Vedatech, Inc., and Vedatech K.K. appeared by their counsel Christina Gonzaga, and removing party Mani Subramanian appeared in pro per.

Having read the parties' papers and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS the motion to remand for lack of subject matter jurisdiction. As was true when this same action was removed as case No. C-03-1035 PJH, the present notice of removal does not establish the existence of a federal question.

1 The motion for fees and costs is DENIED. However, should removing parties remove
2 this action yet another time, the court will invite the QAD parties and Arthur Anderson to file a
3 motion for sanctions under Federal Rule of Civil Procedure 11.

4
5 **IT IS SO ORDERED.**

6 Dated: July 16, 2004

7 /s/
PHYLLIS J. HAMILTON
United States District Judge